

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**CAPSON PHYSICIANS  
INSURANCE COMPANY**

**PLAINTIFF/  
COUNTER DEFENDANT**

**v.**

**No. 3:13-cv-157-DPM**

**MMIC INSURANCE, INC.**

**DEFENDANT/  
COUNTER CLAIMANT**

**MMIC INSURANCE, INC.**

**THIRD PARTY PLAINTIFF/  
COUNTER DEFENDANT**

**v.**

**DR. KARL J. HASIK; LILLIAN WILSON,  
Individually and as Special Administratrix  
for the Estate of J.A.W., deceased;  
SAMANTHA RAY, Individually and  
as next friend and guardian of A.L.R.,  
a minor; DERECK RAY, Individually  
and as next friend and guardian  
of A.L.R., a minor;  
and DOE, A.L.R., a minor**

**THIRD PARTY DEFENDANTS**

**DR. KARL J. HASIK**

**COUNTER CLAIMANT**

**CRAWFORD COUNTY MEMORIAL  
HOSPITAL**

**INTERVENOR**

**ORDER**

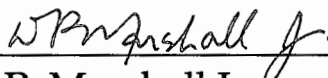
For the reasons stated on the record at the 19 May 2015 pretrial hearing, the Court confirms the following rulings on the pending

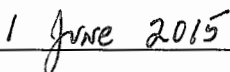
motions.

- The Rays' motion to adopt, *No 123*, and Wilson's motion to adopt, *No 133*, are granted.
- Capson's motion for summary judgment, *No 119*, is denied.
- Dr. Hasik's and Crawford County Memorial Hospital's motion for summary judgment, *No 121*, is denied. In a previous Order, the Court rejected Dr. Hasik's bad faith claim at the proposed-amendment stage without prejudice for failure to state a claim. *No 90 at 2-3*. Dr. Hasik's counterclaim for breach of contract, which was based in part on the implied covenant of good faith and fair dealing, fails on the merits and is dismissed with prejudice.
- MMIC's motion for summary judgment, *No 117*, is granted in part and denied in part.

The Court will enter a related Judgment.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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